

D/E

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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	:
The ANNUITY, PENSION, WELFARE and TRAINING	:
FUNDS of the INTERNATIONAL UNION OF	:
OPERATING ENGINEERS LOCAL 14-14B, AFL-CIO,	:
by its TRUSTEES EDWIN L. CHRISTIAN, CHRIS	:
CONFREY, JOHN CRONIN, DON DENARDO, RENZO	:
COLLAVINO, DANIEL NOESGES, DENISE M.	:
RICHARDSON, and JOHN F. O'HARE,	:
	:
Plaintiffs,	:
	:
-against-	:
	:
LIBERTY MECHANICAL WATER & SEWAR	:
[sic] MAIN, INC.,	:
	:
Defendant.	:
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ROSS, United States District Judge:

The court has received the Report and Recommendation on the instant case dated February 12, 2013, from the Honorable Robert M. Levy, United States Magistrate Judge. No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Brissett v. Manhattan & Bronx Surface Transit Operating Auth., No. 09-CV-1930682 (CBA) (LB), 2011 WL 1930682, at \*1 (E.D.N.Y. May 19, 2011). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

I therefore grant Plaintiffs' motions for default judgment. The Clerk of Court shall enter a judgment against defendant in the sum of \$2,456.75 in attorney's fees and \$600 in costs. In addition, plaintiffs shall be permitted to conduct an audit of defendant's books and records for

the period of July 1, 2007 through June 30, 2012. Once the audit is complete and plaintiffs have calculated the amount, if any, of unpaid contributions due to the Funds, plaintiffs shall file for the court's review the auditor's report, accompanied by an affidavit describing the deficiency calculations in detail, as well as a statement concerning the amount plaintiffs request in delinquent contributions, interest, liquidated damages, attorney's fees, and audit fees.

SO ORDERED.

/s/(ARR)

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Allyne R. Ross  
United States District Judge

Dated: March 4, 2013  
Brooklyn, New York